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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,785	04/08/2004	Robert A. Luciano JR.	SDG 04.002	9326
48008	7590	04/30/2007		
VIRTUAL LEGAL, P.C. MICHAEL A. KERR 3476 EXECUTIVE POINTE WAY, UNIT 16 CARSON CITY, NV 89706			EXAMINER KARKHANIS, AASHISH	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,785	<b>Applicant(s)</b> LUCIANO, ROBERT A.	
	<b>Examiner</b> Aashish Karkhanis	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this instance, the abstract is longer than 150 words.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 7, 10, 14 – 18, 20 – 25, 28 and 32 – 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashima (U.S. Patent 4,614,342).

Regarding Claims 1 – 2, 6, 16, 18, 20 – 21, 24, 34 and 36, Takashima discloses a method and gaming system for playing a twenty-one game using a deck of playing cards including initiating a game session, providing a plurality of playing squares configured to receive a plurality of playing cards from said deck (fig. 4a, fig. 4b; where

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cards are dealt to a player square deal area), providing each dealt playing card with a value where, Kings, Queens and Jacks count as 10 points, Aces count as either 1 or 11 points, and all other cards have a point value that corresponds to their face value (col. 9, lins. 3 – 5), a credit meter configured to identify each chargeable action in which at least one credit is charged to a player when performing a plurality of game events wherein each game event comprises drawing one or more playing cards from said deck and transferring each of said playing cards to one of said plurality of playing squares (col. 4, lins. 1 – 21) performing a plurality of chargeable actions wherein each chargeable action comprises charging said player at least one credit for drawing said one or more playing cards from said deck and transferring said one or more playing cards to said plurality of playing squares (col. 4, lins. 31 – 36; where cards are dealt to player computers after an initial wager chargeable action is made by each of a plurality of players), permitting said player to terminate said game session after each game event using a terminate button (col. 5, lins. 54 – 59; where a STAND operation terminates play) and a processor in operative communication with said player interface and said credit meter, said processor configured to award said player one or more prizes according to a dynamic payable stored in memory (col. 2, lins. 23 – 27), including a triggering event that is configured to start at least one game history counter for each of said plurality of playing squares, said triggering event is associated with a total count of 21 points (col. 9, lins. 6 – 11), and a threshold event that is engaged after one or more triggering events, said threshold event configured to use said game history counter to modify a subsequent prize associated with a subsequent triggering event

(col. 9, lins. 20 – 33; where a dealer stands on 17, which is a sum of the history of all cards played in the current hand; further the value of the dealer's hand will affect the prize given to players, depending on the relative value of the dealer's hand).

Regarding Claims 3 – 4 and 22 – 23, Takashima discloses a method including displaying a top card from said deck of playing cards and awaiting a player instruction to transfer said top card to one of said plurality of playing squares, wherein prior to receiving said player instruction, said player has an opportunity to evaluate a plurality of different actions (col. 9, lins. 42 – 56; where a player has a number of options including, hit, stand, split or double down during blackjack play).

Regarding Claims 7, 10, 25 and 28, Takashima discloses a method wherein one of said triggering events comprises a blackjack combination, said blackjack combination including an Ace and a single playing card having a count of 10 (col. 9, lins. 9 – 11), wherein said triggering events also includes a 21 count combination that comprises more than two cards (col. 9, lins. 12 – 15).

Regarding Claims 14 and 32, Takashima discloses a method including removing a plurality of cards within one of said playing squares after said player is awarded a prize (col. 9, lins. 67 – 68; col. 13, lins. 1 – 13; where all player cards are removed and shuffled at set intervals).

Regarding Claims 15 and 33, Takashima discloses a method including networking a plurality of said interactive games (col. 2, lins. 13 – 14; where a dealer machine and a plurality of player machines are networked together).

Regarding Claims 17 and 35, Takashima discloses a gaming system including a monetary input component communicatively coupled to said processor, said monetary input component configured to convert money to said at least one credit (col. 4, lns. 1 – 18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 19, 31 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima.

Regarding Claims 13 and 31, Takashima discloses a method wherein said player is awarded a bonus prize after said player has used 7 cards without busting (col. 9, lins. 8 – 11), but does not disclose an award for using 52 cards. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the winning card number of 7 with any arbitrary winning card number, such as 52, in order to provide more winning opportunities to a player.

Regarding Claims 19 and 37, Takashima discloses a gaming system including a network configured to permit said electronic gaming system to communicate with another networked device (col. 2, lins. 13 – 14; where a dealer machine and a plurality of player machines are networked together), but does not disclose a network interface card communicatively coupled to said processor. However, it would have been obvious

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to one of ordinary skill in the art at the time of the invention to have modified the gaming system using a generic network of Takashima with a specific network adapter in order to provide modular computing parts to increase ease of maintenance.

4. Claims 8 – 9, 11 – 12, 26 – 27 and 29 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima in view of Booker (U.S. Patent 5,829,750).

Regarding Claims 8 – 9, 11 – 12, 26 – 27 and 29 – 30, Takashima discloses a method wherein said threshold event gives all blackjack the same numerical values regardless of suit or color (col. 9, lins. 12 – 19), but does not disclose blackjack values with differing amounts of payouts based on suited or ranked blackjack hands. However, Booker teaches a method of playing blackjack where hand of suits are categorized and ranked where a same suit blackjack or 21 combination a better prize than a same color blackjack or 21 combination, wherein said threshold event awards a same color blackjack or 21 combination a better prize than a mixed suit blackjack or 21 combination (col. 6, lins. 30 – 44) in order to decrease the occurrence of “push” outcomes and allow for more winning and losing outcomes, increasing excitement in a game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the blackjack scoring system with identical values for all blackjack combinations of Takashima with the method of assigning different values to different suit and color blackjack combinations of Booker in order to decrease the occurrence of “push” outcomes and allow for more winning and losing outcomes, increasing excitement in a game.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,093,215: Electronic Poker.

U.S. Patent 4,760,527: Electronic multiplayer poker.

U.S. Patent 5,288,077: Ranked Blackjack.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

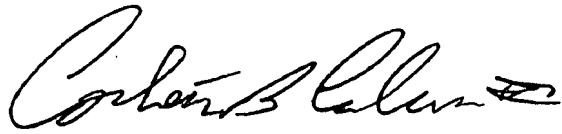
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn" with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**